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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DAREN HEATHERLY, <i>et al.</i> ,	)	CASE NO. 4:13-cv-04327-KAW
Plaintiff,	)	
v.	)	<b>STIPULATION OF DISMISSAL AND</b>
	)	<b><del>[PROPOSED]</del> ORDER THEREON</b>
SONOMA COUNTY FAIR AND	)	
EXPOSITION, INC., <i>et al.</i> ,	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	

The Parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2).

IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action become and hereby is dismissed with prejudice and each side is to bear its own costs and attorneys' fees.

1 The parties further consent to and request that the Court retain jurisdiction over  
2 enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994)  
3 (empowering the district courts to retain jurisdiction over enforcement of settlement  
4 agreements).

5 This stipulation may be executed in counterparts, all of which together shall  
6 constitute one original document.

7 Respectfully Submitted,

8 Dated: April 11, 2016

THOMAS E. FRANKOVICH, APLC  
***A PROFESSIONAL LAW CORPORATION***

10 By: /s/ Thomas E. Frankovich

11 Thomas E. Frankovich  
12 Attorney for Plaintiffs

13 Dated: April 11, 2016

BERTRAND, FOX , ELLIOT, OSMAN & WENZEL

15 By: /s/ Eugene Burton Elliot

16 Eugene Burton Elliot  
17 Attorney for Defendants

18 **ORDER**

19 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
20 Fed.R.Civ.P.41(a)(2) and each side is to bear its own costs and attorneys' fees. IT IS  
21 FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing  
22 the parties' Settlement Agreement and General Release should such enforcement be  
23 necessary.  
24

25 Dated: 4/12, 2016

26   
27 Hon. Kandis A. Westmore  
28 UNITED STATES MAGISTRATE JUDGE